

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1594

H.P. 1199

House of Representatives, November 30, 2011

An Act To Clarify the Requirements of Income Withholding Orders

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on November 28, 2011. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative NASS of Acton.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 19-A MRSA §2651, sub-§3**, as enacted by PL 1995, c. 694, Pt. B, §2 and
3 affected by Pt. E, §2, is amended to read:

4 **3. Immediate income withholding; implementation of orders.** An immediate
5 income withholding order may be implemented by the department ~~for a recipient of the~~
6 ~~department's support enforcement services~~, by a support obligee who does not receive the
7 department's support enforcement services or by a support obligor. An immediate
8 income withholding order is implemented by serving an attested copy of the order, along
9 with the notice required under section 2655, upon the obligor's payor of income.

10 **Sec. 2. 19-A MRSA §2652, sub-§3**, as amended by PL 1997, c. 537, §50 and
11 affected by §62, is further amended to read:

12 **3. Payor instructions.** An instruction to the payor that, upon receipt of a copy of the
13 withholding order and the notice required under section 2655, the payor shall:

14 A. Immediately begin to withhold the obligor's income when the obligor is usually
15 paid;

16 B. Send each amount withheld to the department at the address set forth in the order
17 within 7 business days of the withholding; and

18 C. Identify each amount sent to the department by indicating the department's
19 support enforcement member number, if known;

20 **Sec. 3. 19-A MRSA §2652, sub-§§5 and 6**, as enacted by PL 1995, c. 694, Pt.
21 B, §2 and affected by Pt. E, §2, are amended to read:

22 **5. Limitation on withholding.** A notice that the amount of the withholding may not
23 exceed the limitations imposed by 15 United States Code, Section 1673(b); ~~and~~

24 **6. Fees.** A notice to the obligor and payor of income that the payor of income shall
25 withhold and send to the department a fee of \$2 per week in addition to the amount
26 withheld for child support; and

27 **Sec. 4. 19-A MRSA §2652, sub-§7** is enacted to read:

28 **7. Notice of income withholding order.** A notice that when the department, an
29 obligee or an obligor implements a withholding order issued under this subchapter, the
30 party that implements the withholding order is required to provide the obligor's payor of
31 income with the payor notice required under section 2655 at the time of service of the
32 withholding order and instructions on where to obtain the payor notice.

33 **Sec. 5. 19-A MRSA §2655**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected
34 by Pt. E, §2, is amended to read:

